

REMARKS

I. Interview Summary

Applicants thank Examiner Chan and Examiner Belyavskiy for participating in the telephonic interview on October 19, 2004. Pursuant to 37 C.F.R. § 1.133(b), Applicants submit the following Interview Summary.

On October 19, 2004, a telephonic interview was held with Michael J. Twomey and Joseph J. Koipally participating on behalf of the Applicants, and Examiner Christina Chan and Examiner Michail A. Belyavskiy participating from the United States Patent and Trademark Office.

Applicants discussed the enablement rejection under § 112, first paragraph with respect to claiming 95% identity and hybridization under stringent conditions. The Examiners maintained the position set forth in the Final Office Action mailed on September 9, 2004. Applicants indicated that they intended to appeal the decision of the Examiners to the Board of Appeals.

II. Amendments to the Claims

Claims 73-84 were pending in the Application.

Claims 73 and 75 have been canceled without prejudice or disclaimer of the subject matter recited therein. These claims have not been canceled for any reason related to patentability. Applicants reserve the right to pursue the subject matter of these claims in this or a future related application.

Claims 76-77, 79 and 81-83 have been amended to correct claim dependencies as a result of the cancellation of claims 73 and 75.

No new matter has been added by way of these amendments.

Applicants respectfully request that the instant amendments to the claims be entered to place this application in better form for consideration on appeal.

CONCLUSION

Claims 74 and 76-84 are pending in the Application.

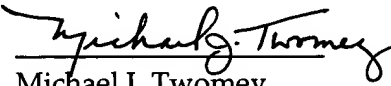
Applicants have filed herewith a Notice of Appeal appealing the decision of the Examiner set forth in the Final Office Action of September 9, 2004 to the Board of Appeals.

Other than the fees related to the Notice of Appeal Applicants believe that no fees are required with the instant filing. However, in the event that any additional fees are required to maintain the pendency of this application, the Commissioner is hereby authorized to charge any such fees, or to credit any overpayments, to Attorney Deposit Account No. 08-0219.

Respectfully submitted,

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